

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

CARYL VONDRA, Personal Representative of
the Estate of Melvin Vondra,

WILLIAM MEYERS, Personal Representative
of the Estate of Patricia Meyers,

COREY ILG, Personal Representative of the
Estate of Duane Ilg,

Plaintiffs,

v.

BARTON SOLVENTS INC., CHEVRON U.S.A.
INC., CITGO PETROLUEM CORPORATION,
SHELL CHEMICAL, L.P., d/b/a SHELL
CHEMICAL CO., SHELL OIL CO., UNION OIL
COMPANY OF CALIFORNIA d/b/a UNOCAL
CORP.,

Defendants.

Case No. 8:07CV85

**MOTION FOR
SUMMARY JUDGMENT AGAINST
PLAINTIFFS CARYL VONDRA AND
WILLIAM MEYERS**

COMES NOW Defendants, Chevron U.S.A. Inc., Shell Chemical LP, Shell Oil Company and Union Oil Company of California (collectively, the “Defendants”) pursuant to NECivR 56.1 and Rule 56 of the Federal Rules of Civil Procedure, and move this Court for an Order of Summary Judgment in their favor on claims presented by Plaintiffs Caryl Vondra, Personal Representative of the Estate of Melvin Vondra, and Plaintiff William Meyers, Personal Representative of the Estate of Patricia Meyers (collectively, “Plaintiffs”), as set forth in their Fourth Amended Complaint and Demand for Jury Trial (Filing No. 180). There are no genuine issues of material fact in dispute as to Plaintiffs’ claims against Defendants and, therefore, Defendants are entitled to judgment, on the following basis:

Plaintiffs' product liability claims are barred, as a matter of law, by Neb. Rev. Stat. § 25-224 (2008).

WHEREFORE Defendants, Chevron U.S.A. Inc., Shell Chemical LP, Shell Oil Company and Union Oil Company of California, respectfully requests the Court enter summary judgment in their favor and against Plaintiffs, Personal Representative of the Estate of Melvin Vondra, and Plaintiff William Meyers, Personal Representative of the Estate of Patricia Meyers.

Dated this 30th day of April, 2010.

SHELL OIL COMPANY, UNION OIL
COMPANY OF CALIFORNIA,
CHEVRON U.S.A. INC. AND SHELL
CHEMICAL LP, Defendants

By s/ Robert M. Slovek

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CERTIFICATE OF SERVICE

I hereby certify that on April 30, 2010, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

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